

JUDGE COTE

UNITED STATES DISTRICT COURT

Southern

District of

New York

P3 INTERNATIONAL CORP. and Daniel LIU,  
Plaintiffs

V.

UPM MARKETING, INC., UPM TECHNOLOGY  
(USA), INC., and SMARTLABS, INC.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

'08 CIV 50867

TO: (Name and address of Defendant)

SMARTLABS, INC.  
16542 Millikan Avenue  
Irvine California 92606

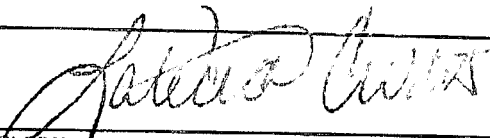
YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

James A. Power Jr  
Power Del Valle LLP  
233 West 72 Street  
New York, NY 10023

an answer to the complaint which is served on you with this summons, within 20 (TWENTY) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK



(By) DEPUTY CLERK

DATE

JUN 03 2008

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>POWER DEL VALLE LLP</b> <b>233 W. 72ND STREET NEW YORK, NY 10023</b> TELEPHONE NO.: <b>(212) 877-0100</b> FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , <b>CA</b> BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>P3 INT'L CORP.</b> DEFENDANT/RESPONDENT: <b>UPM MARKETING</b>		CASE NUMBER: <b>08-CIV-5086</b>
<b>PROOF OF SERVICE OF SUMMONS</b>		Ref. No. or File No.: <b>228.902</b>

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ summons
  - b. ☒ complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☐ Civil Case Cover Sheet (served in complex cases only)
  - e. ☐ cross-complaint
  - f. ☒ other (specify documents): **Patent Exhibit**
3. a. Party served (specify name of party as shown on documents served):  
**SMARTLABS, INC.**
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship of party named in item 3a):  
**Joseph J. Dada, Authorized Agent**
4. Address where the party was served: **16542 MILLIKAN AVE**  
**IRVINE, CA 92606**
5. I served the party (check proper box)
  - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
  - b. ☒ **by substituted service.** On (date): **06/25/2008** at (time): **01:55 pm** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):  
**Pam Grasso, Person Apparently in Charge**
    - (1) ☒ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☒ a declaration of mailing is attached.
    - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: P3 INT'L CORP.

CASE NUMBER:

RESPONDENT: UPM MARKETING

08-CIV-5086

- c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date):

(2) from (city):

- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)

- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.  
 b. ☐ as the person sued under the fictitious name of (specify):  
 c. ☐ as occupant.  
 d. ☒ On behalf of (specify): **SMARTLABS, INC.**  
 under the following Code of Civil Procedure section:

☒ 416.10 (corporation)

☐ 416.20 (defunct corporation)

☐ 416.30 (joint stock company/association)

☐ 416.40 (association or partnership)

☐ 416.50 (public entity)

☐ 415.95 (business organization, form unknown)

☐ 416.60 (minor)

☐ 416.70 (ward or conservatee)

☐ 416.90 (authorized person)

☐ 415.46 (occupant)

☐ other:

7. Person who served papers

- a. Name: **Donald Niemeyer - Janney & Janney Attorney Service, Inc.**  
 b. Address: **840 N. Birch St. Santa Ana, CA 92701**  
 c. Telephone number: **(714) 953-9451**  
 d. The fee for service was: **\$ 60.00**  
 e. I am:

- (1) ☐ not a registered California process server.  
 (2) ☐ exempt from registration under Business and Professions Code section 22350(b).  
 (3) ☒ registered California process server:  
     (i) ☐ owner ☐ employee ☒ independent contractor.  
     (ii) Registration No.: **1374**  
     (iii) County: **Orange**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **06/26/2008**



**Janney & Janney Attorney Service, Inc.**  
**840 N. Birch St.**  
**Santa Ana, CA 92701**  
**(714) 953-9451**

**Donald Niemeyer**

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and address) <b>POWER DEL VALLE LLP</b> <b>233 W. 72ND STREET NEW YORK, NY 10023</b> TELEPHONE NO.: <b>(212) 877-0100</b> FAX NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , <b>CA</b> BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>P3 INT'L CORP.</b> DEFENDANT/RESPONDENT: <b>UPM MARKETING</b>		
<b>PROOF OF SERVICE BY MAIL</b>		
		CASE NUMBER: <b>08-CIV-5086</b>

I am a citizen of the United States and employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 840 N. Birch St., Santa Ana, CA 92701.

On June 26, 2008, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

**Summons; Complaint; Patent Exhibit**

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at Santa Ana, California, addressed as follows:

**SMARTLABS, INC.**  
**16542 MILLIKAN AVE**  
**IRVINE, CA 92606**

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at Santa Ana, California in the ordinary course of business.

Fee for Service: 60.00



Janney and Janney Attorney Service  
 840 N. Birch St.  
 Santa Ana, CA 92701  
 (714) 953-9451

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on June 26, 2008.

Signature:   
 Kelley Frisby

**PROOF OF SERVICE BY MAIL**

Order#: OC8061918032/GProof5